

**RESOLUTION NO. 71939**

**ADOPTION OF A RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF SAN  
JOSE CLARIFYING AND REAFFIRMING  
THE EVERGREEN AREA DEVELOPMENT  
POLICY AND DIRECTING STAFF TO  
DISCOURAGE CERTAIN RESIDENTIAL  
DEVELOPMENT APPLICATIONS UNTIL  
COMPLETION OF THE EVERGREEN  
SMART GROWTH STRATEGY**

**WHEREAS**, in 1976, the City Council of the City of San José adopted that certain "Evergreen Area Development Policy," which Policy was revised in 1995 to guide development in the Evergreen Area of the City; and

**WHEREAS**, in November of 2003, the City Council approved that certain Funding Agreement with Yerba Buena Opco, LLC under which certain developers in the Evergreen Area of the City agreed to provide funding to the City for that certain Evergreen Smart Growth Strategy, which endeavor entails a comprehensive, long range land use and transportation planning effort that would include the preparation of an update to the Evergreen Area Development Policy as well as related environmental analyses and documents, in order to further guide and direct development in the Evergreen Area of the City; and

**WHEREAS**, the City Council desires to provide direction to the City Administration pending City Council consideration of and action upon the Evergreen Smart Growth Strategy to continue to apply the Evergreen Area Development Policy and to discourage certain residential development applications and believes the provision of such direction furthers the public interest, health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:**

**SECTION 1.** The City Council hereby reaffirms the "Evergreen Area Development Policy" of the City pending completion of that certain "Evergreen Smart Growth Strategy" currently underway and scheduled for completion and consideration by the City Council in June of 2005 and directs staff to continue to apply the "Evergreen Area Development Policy" in accordance with its terms during the period of time prior to completion of and consideration and action by the City Council on the Evergreen Smart Growth Strategy.

**SECTION 2.** The Administration, including without limitation the Departments of Planning, Building and Code Enforcement, the Department of Public Works and the Department of Transportation, are directed to discourage applicants from

submitting applications for or related to general plan amendments, rezonings, and other development permits or approvals (collectively referred to as "development applications" and individually referred to as a "development application") for real properties within the area being analyzed under the "Evergreen Smart Growth Strategy" when those proposals meet all of the following criteria:

- A. The development application relates to residential development on real property within the area of the Evergreen Smart Growth Strategy; and
- B. The development application requires or the applicant is requesting City action on the application prior to consideration by the City Council of the results and recommendations of the Evergreen Smart Growth Strategy; and
- C. The proposed development described in the development application contemplates or would require that additional residential unit allocations or residential unit density increases be provided or recognized in order to facilitate the proposed development.

The area being analyzed under the Evergreen Smart Growth Strategy is the area generally shown upon and outlined on that certain map attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein.

**SECTION 3.** Notwithstanding the foregoing direction contained in SECTION 2 hereinabove, the Administration is further directed to process all complete development applications received in accordance with all applicable laws where the applicant refuses to defer or withdraw consideration of a development application until completion and consideration of and City Council action on the "Evergreen Smart Growth Strategy" currently scheduled for completion and City Council consideration in June 2005.

ADOPTED this 27<sup>th</sup> day of January, 2004, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,  
GREGORY, LeZOTTE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE



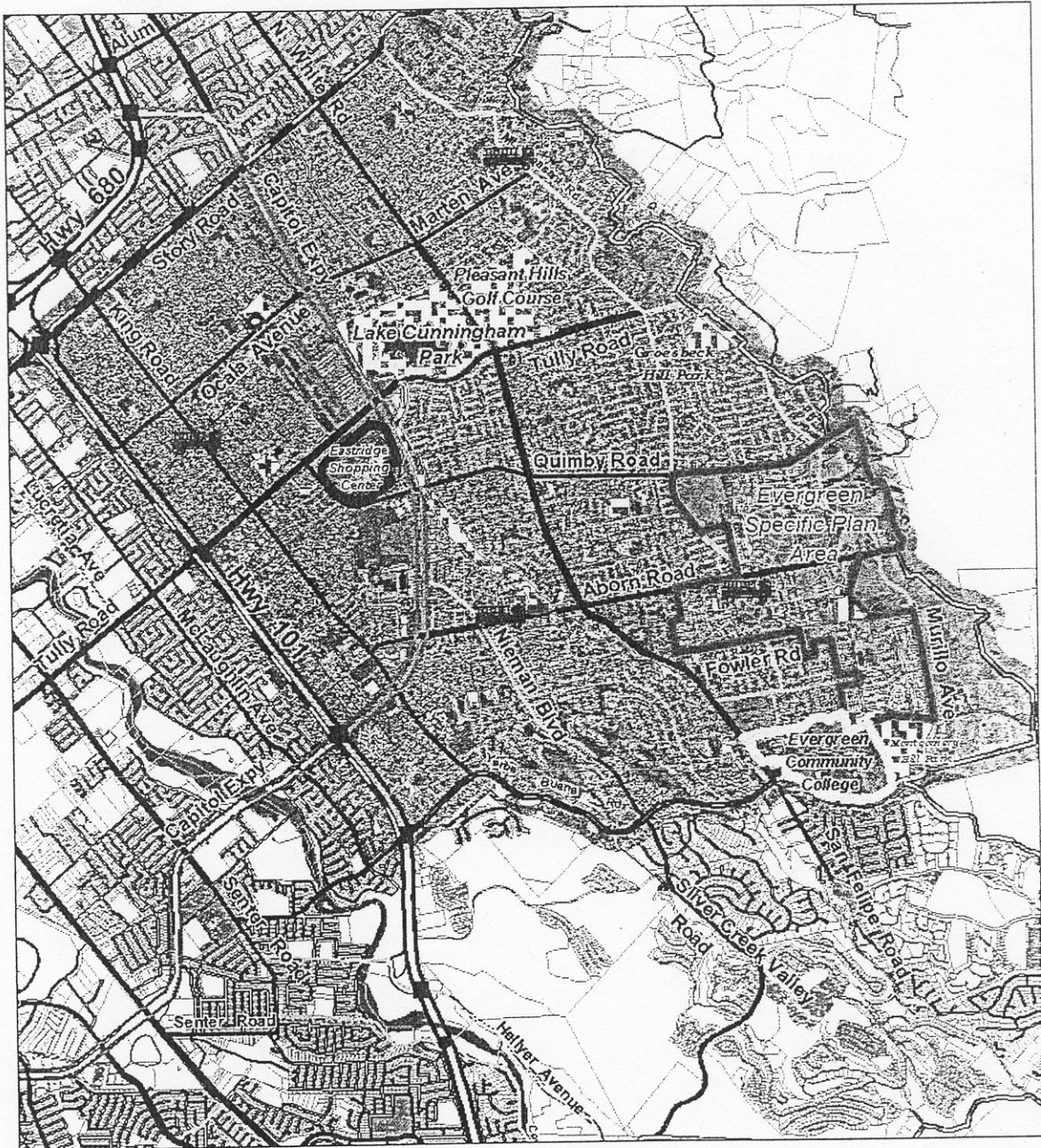
RON GONZALES  
Mayor

ATTEST:



DEANNA J. SANTANA  
City Clerk

## EXHIBIT A



EVERGREEN SMART GROWTH STRATEGY  
*Study Area*